



MEMORANDUM

TO: WILLIAM MACHOTKA, P.E.

FROM: ANDREW RAICHLE, P.E.

DATE: February 22, 2012

**RE: NECESSITY FOR CORPS OF ENGINEERS APPROVAL
PROPOSED BULKHEAD REPLACEMENT
MORRIS LISTER AVENUE REDEVELOPMENT PROJECT**

This letter concerns questions regarding the necessity for US Army Corps of Engineers approval to replace the existing bulkhead as proposed for the above-referenced project. While the Corps' regulates all activity seaward of the spring high water line, bulkhead replacements constitute a "special case." These activities are considered to be maintenance activities, and qualify for a Nationwide General Permit Number 3 (Maintenance). The Nationwide Permits are prescribed as Issuance of a Nationwide Permits in the Federal Register dated March 12, 2007 (FR Vol. 72, No. 47). The proposed work may be performed without written authorization from the Corps, provided the activity complies with the permit conditions listed in Section B, No. 3, Section C, and applicable New York District regional conditions. The proposed bulkhead complies with all of these conditions.

In summary, the Nationwide Permit No. 3 that authorizes the bulkhead replacement is "by right," and does not require an application or other notification to the U.S. Army Corps of Engineers.